

United States District Court
Western District of Texas
San Antonio Division

Esau Ernesto Chicas Ortega,
Petitioner,

v.

No. 5:25-CV-01229-JKP-RBF

Kristi Noem, in her official capacity as
Secretary, U.S. Department of Homeland
Security *et al*,
Respondents.

**Federal Respondents' Response to
Motion for Temporary Restraining Order
and/or Preliminary Injunctive Relief**

In the interest of justice and in good faith compliance with this Court's emergency orders, Federal Respondents provide the following updates in lieu of a substantive response to Petitioner's Motion for Temporary Restraining Order:

1. ICE is on notice of and intends to comply with this Court's order to stay Petitioner's removal during this litigation.
2. Despite his reinstated order of removal, ICE halted Petitioner's imminent removal from the United States on October 2, 2025, per the request of his attorney of record. Petitioner remains in ICE custody at STIPC pending USCIS review of his fear claim regarding third country removal to Mexico.
3. ICE ERO will request that USCIS expedite the fear review process, but the estimated processing time is approximately one week. If USCIS has not scheduled an interview with Petitioner within three days of ICE ERO's request, ICE ERO will follow up with USCIS for a status update.

4. Federal Respondents, through counsel, are in contact with Petitioner's counsel and intend to confer throughout the fear review process to ensure transparency and timely notice of any relevant decisions affecting Petitioner's potential removal to Mexico or any other third country.
5. Once the fear review has been completed, Federal Respondents will update the Court through an Advisory within three (3) business days.

Respectfully submitted,

Justin R. Simmons
United States Attorney

By: /s/ Lacy L. McAndrew

Lacy L. McAndrew
Assistant United States Attorney
Florida Bar No. 45507
601 N.W. Loop 410, Suite 600
San Antonio, Texas 78216
(210) 384-7325 (phone)
(210) 384-7312 (fax)
lacy.mcandrew@usdoj.gov

Attorneys for Federal Respondents